

**UNITED STATES DISTRICT COURT**  
**DISTRICT OF NEVADA**

GEORGE TYRONE DUNLAP, JR., )

Plaintiff, )

Case No. 2:09-cv-2394-RLH-PAL

vs. )

WARDEN NEVEN, *et al.*, )

Defendants. )

**ORDER**

Plaintiff, who is in the custody of the Nevada Department of Corrections, is proceeding *pro se* in this civil rights action pursuant to 42 U.S.C. § 1983. Pending before the Court are the following motions submitted by Plaintiff: Application to Proceed *in Forma Pauperis* (#2), Motion for Permission of Filing (#1), Motion for Summary Judgment (#3), Motion to Compel Identification (#4), and Motion to Amend Complaint (#8).

Based on the financial information provided, the Court finds that Plaintiff is unable to pay an initial partial filing fee. However, even if this action is dismissed, the full filing fee of \$350.00 must still be paid pursuant to 28 U.S.C. § 1915(b)(2). The Court grants Plaintiff's Application to Proceed *in Forma Pauperis* (#2).

Plaintiff submitted a Motion for Permission of Filing (#1) seeking leave to include additional pages with the civil rights complaint form. The Court grants Plaintiff's Motion for Permission of Filing (#1).

Plaintiff submitted a Motion for Summary Judgment (#3) and a Motion to Attach supplemental information in support of his motion for summary judgment (#4). Plaintiff's complaint has not yet been screened by the Court pursuant to 28 U.S.C. § 1915A. Additionally, the defendants have not been served

1 or responded to the complaint. Therefore, Plaintiff's Motion for Summary Judgment (#3) and motion  
2 to supplement (#4) are premature and are denied without prejudice.

3 Plaintiff also submitted a Motion to Compel Identification (#4) seeking that the Court issue an  
4 order compelling the defendants to provide accurate names and job descriptions of all defendants listed  
5 in his complaint so that he may have accurate information to file an amended complaint. The Court  
6 observes that the plaintiff has already submitted a motion to amend his complaint, with a proposed  
7 amended complaint attached. *See* #8. Thus, the Court denies Plaintiff's Motion to Compel  
8 Identification (#4) without prejudice.

9 Plaintiff request permission to amend his civil rights complaint and attached a proposed amended  
10 complaint. (#8). Plaintiff may amend his complaint once as a matter of course because Defendants have  
11 not yet responded to his original complaint. Fed. R. Civ. P. 15(a). The Court grants Plaintiff's Motion  
12 to Amend Complaint (#8).

13 Based on the foregoing, and with good cause appearing,

14 **IT IS THEREFORE ORDERED** that Plaintiff's Application to Proceed *in Forma Pauperis*  
15 (#2) is **GRANTED**. Plaintiff shall not be required to pay an initial partial filing fee. However, even if  
16 this action is dismissed, the full filing fee must still be paid pursuant to 28 U.S.C. § 1915(b)(2).

17 **IT IS FURTHER ORDERED** that the movant herein is permitted to maintain this action to  
18 conclusion without the necessity of prepayment of any additional fees or costs or the giving of security  
19 therefor. This order granting *forma pauperis* status shall not extend to the issuance of subpoenas at  
20 government expense.

21 **IT IS FURTHER ORDERED** that, pursuant to 28 U.S.C. § 1915(b)(2), the Nevada Department  
22 of Corrections shall pay to the Clerk of the United States District Court, District of Nevada, 20% of the  
23 preceding month's deposits to Plaintiff's account (inmate #90083), in the months that the account  
24 exceeds \$10.00, until the full \$350 filing fee has been paid for this action. The Clerk of the Court shall  
25 send a copy of this Order to the Finance Division of the Clerk's Office. The Clerk shall also send a copy  
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1 of this Order to the attention of the Chief of Inmate Services for the Nevada Department of Corrections,  
2 P.O. Box 7011, Carson City, NV 89702.

3 **IT IS FURTHER ORDERED** that Plaintiff's Motion for Permission of Filing (#1) is  
4 **GRANTED**.

5 **IT IS FURTHER ORDERED** that Plaintiff's Motion for Summary Judgment (#3) and Motion  
6 to Attach/Supplement (#4) are **DENIED** without prejudice.

7 **IT IS FURTHER ORDERED** that Plaintiff's Plaintiff's Motion to Compel Identification (#4)  
8 is **DENIED** without prejudice.

9 **IT IS FURTHER ORDERED** that Plaintiff's Motion to Amend Complaint (#8) is **GRANTED**.  
10 Plaintiff's Amended Complaint (#8-1) shall be **DETACHED** from the motion and **FILED**. The Clerk  
11 of the Court shall withhold service at this time.

12 **IT IS FURTHER ORDERED** that this case will be screened as required pursuant to 28 U.S.C.  
13 § 1915A as soon as the Court's schedule permits and in the order that it was received. The Clerk of the  
14 Court shall retain the amended complaint at this time.

15 DATED: May 18, 2010

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18 UNITED STATES MAGISTRATE JUDGE  
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